

AMENDED IN SENATE AUGUST 21, 2012

AMENDED IN SENATE JUNE 26, 2012

AMENDED IN SENATE JUNE 25, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1478

Introduced by ~~Committee on Budget (Blumenfield (Chair), Alejo, Bonilla, Brownley, Buchanan, Butler, Cedillo, Chesbro, Dickinson, Feuer, Gordon, Huffman, Mitchell, Monning, and Swanson)~~ Assembly Member Blumenfield

(Coauthors: Assembly Members Gordon and Huffman)

(Coauthors: Senators Evans, Leno, Pavley, and Simitian)

January 10, 2012

An act to amend Sections 17210, 19970, 100010, 100115, and 100125 of the Education Code, to amend Section 5653.1 of, to add Section 2948 to, and to repeal Article 2 (commencing with Section 2940) of Chapter 13 of Division 3 of, the Fish and Game Code, to amend Sections 33222, 33223, 33225, 33251, 33252, 33253, 33257, 33291, 33292, 35221, and 35231 of, and to repeal and add Section 33294 of, the Food and Agricultural Code, to amend Section 65962.5 of, to repeal Sections 14669.13 and 15819.05 of, to add Article 9.7 (commencing with Section 16428.8) to Chapter 2 of Part 2 of Division 4 of Title 2 of, and to add Chapter 5 (commencing with Section 12894) to Part 2.5 of Division 3 of Title 2 of, the Government Code, to amend Sections 25173.6, 25173.7, 25174, 25185.5, 25200.14, 25201.6, 25202.5, 25244.12, 25244.13, 25244.14, 25244.15, 25244.15.1, 25244.16, 25244.17, 25244.17.1, 25244.17.2, 25244.18, 25244.19, 25244.20, 25244.21, 25244.22, 25244.23, 25269.2, 25299.50.3, 25299.81, 25390.7, 25395.30, 25395.99, 25395.119, 25404, 44299.91, 44392, and 106615 of, to amend the heading of Article 11.9 (commencing with Section 25244.12) of

Chapter 6.5 of Division 20 of, to add Sections 25114.5, 25244.01, and 25244.13.1 to, to add Article 11.1 (commencing with Section 25220) to Chapter 6.5 of Division 20 of, to add Chapter 6.86 (commencing with Section 25396) to Division 20 of, to repeal Sections 25117.3, 25117.4, 25149.3, 25244.24, 25356.2, 25356.3, 25356.4, 25356.5, 25356.6, 25356.7, 25356.8, 25356.9, 25356.10, 57009, and 58004.5 of, to repeal Article 11 (commencing with Section 25220) of Chapter 6.5 of, to repeal Article 6.5 (commencing with Section 25369) of Chapter 6.8 of, to repeal Article 8 (commencing with Section 25395.1) of Chapter 6.8 of, to repeal Chapter 6.85 (commencing with Section 25396) of, to repeal Chapter 6.10 (commencing with Section 25401) of, and to repeal Chapter 6.98 (commencing with Section 25570) of, Division 20 of, the Health and Safety Code, to amend Sections 3258, 5096.255, 5930, 14574, 21155.1, 21159.21, 25740.5, 25744.5, 25746, 25751, 32605, 42474, 42649.2, and 71300 of, to add Sections 5010.6.5, and 5010.7 to, to add Chapter 8.1 (commencing with Section 25710) to Division 15 of, to add and repeal Section 5010.6 of, and to repeal Sections 25742, 25743, 25744, and 25748 of, the Public Resources Code, to amend Section 2851 of, and to add Section 748.5 to, the Public Utilities Code, to amend Section 5155 of, and to add Section 5161 to, the Vehicle Code, to amend Sections 175.5, 13201, 13202, 13207, 13388, and 13860 of, and to add Sections 147.5 and 11913.1 to, the Water Code, to amend Section 17645.40 of the 1992 School Facilities Bond Act (Section 34 of Chapter 552 of the Statutes of 1995), to amend Section 17660.40 of the 1990 School Facilities Bond Act (Section 34 of Chapter 552 of the Statutes of 1995), and to amend Section 17698.20 of the 1988 School Facilities Bond Act (Section 34 of Chapter 552 of the Statutes of 1995), relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget. *An act to amend Sections 530 and 5010.7 of, and to add Sections 535.5, 541.5, and 541.6 to, the Public Resources Code, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1478, as amended, ~~Committee on Budget Blumenfeld. Public resources—State Parks: finances.~~

(1) Existing law establishes, in the Department of Parks and Recreation, the State Park and Recreation Commission consisting of 9

members appointed by the Governor, subject to confirmation by the Senate. Existing law requires the commission, among other things, to establish general policies for the guidance of the Director of Parks and Recreation in the administration, protection, and development of the state park system.

This bill would establish qualification criteria for the members of the commission, including requiring one member to have demonstrated expertise in cultural or historical resources management. The bill would require the Speaker of the Assembly and the Senate Committee on Rules to each appoint one ex officio legislative member. The bill would require the commission to evaluate and assess the department's deferred obligations. The bill would also authorize the commission to, among other things, conduct an annual workshop to review the department's annual operating budget and proposed capital improvement projects. The bill would appropriate \$20,500,000 from the State Parks and Recreation Fund to the department for expenditure as specified. The bill would prohibit the department from closing or proposing the closure of a state park in the 2012–13 and 2013–14 fiscal years. The bill would also appropriate \$10,000,000 from the Safe Drinking Water, Water Quality and Water Supply, Flood Control, River and Coastal Protection Bond Act of 2006, to be expended as specified, including for purposes of capital outlay and support for capital outlay projects of a state park.

(2) Existing law requires the department to develop a revenue generation program as an essential component of a long-term sustainable park funding strategy. Existing law requires all revenues generated by the program to be deposited into the California State Park Enterprise Fund, as provided, and spent in a specified way, including allocating 40% of the total amount of revenues generated by a park district to that district, as specified. Existing law requires the department to provide an annual accounting to the Department of Finance and relevant legislative committees of the use of funds from a revolving loan program established by the department. Existing law requires the department to rank proposals and awards for loans based on specified criteria.

This bill would require the program revenue to be available for encumbrance and expenditure until June 30, 2014, and for liquidation until June 30, 2016. The bill would require the incremental revenue generated by the program to be deposited into the State Parks and Recreation Fund, and revenue identified as being in excess of revenue targets established by the department shall be transferred to the

California State Park Enterprise Fund, as provided. Among other things, this bill would require that 50% of the total amount of revenues deposited into the California State Park Enterprise Fund generated by a park district be allocated to that district, as specified. This bill would require the department to provide the annual accounting to the Department of Finance and the relevant legislative committees of the use of the revolving loan funds in accordance with the purpose outlined in specified voter-approved bond acts. This bill would include capacity of a project to improve services, park experiences, or both, for park visitors as one of the criteria for ranking a proposal or award of a loan.

(3) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~(1) Existing law establishes the Office of Education and the Environment in the California Environmental Protection Agency to implement the statewide environmental educational program and, in cooperation with the State Department of Education and the State Board of Education, develop and implement a unified education strategy on the environment for elementary and secondary schools in the state.~~

~~This bill would establish the office in the Department of Resources Recycling and Recovery instead and make conforming changes.~~

~~(2) An existing provision of the California Constitution authorizes the Legislature, at any time after the approval by the voters of a law authorizing the issuance of bonded indebtedness, to reduce the amount of the indebtedness authorized by the law to an amount not less than the amount contracted at the time of the reduction.~~

~~This bill would reduce, by prescribed amounts, the amount of bonded indebtedness authorized in the California Library Construction and Renovation Bond Act of 1988, the Public Education Facilities Bond Act of 1996, the California Park and Recreational Facilities Act of 1984, the California Wildlife, Coastal, and Park Land Conservation Act of 1988, the California Safe Drinking Water Bond Law of 1976, the 1992 School Facilities Bond Act, the 1990 School Facilities Bond Act, and the 1988 School Facilities Bond Act.~~

~~(3) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA exempts from its provisions, among other things, certain types of~~

~~ministerial projects proposed to be carried out or approved by public agencies, and emergency repairs to public service facilities necessary to maintain service.~~

~~Existing law designates the issuance of permits to operate vacuum or suction dredge equipment by the Department of Fish and Game to be a project under CEQA, and suspends the issuance of those permits until the department has completed a court-ordered environmental impact report for the project, as specified. Existing law prohibits the use of any vacuum or suction dredge equipment in any river, stream, or lake, for instream mining purposes, until the earlier of the following dates: June 30, 2016, or when the Director of Fish and Game makes a prescribed certification to the Secretary of State, including certifying that new regulations fully mitigate all identified significant environmental impacts and that a fee structure is in place that will fully cover all costs to the department related to the administration of the program.~~

~~This bill would repeal the June 30, 2016 date, and, instead, make the moratorium operative until the director makes that certification to the secretary. The bill would, in order to facilitate the making of that certification, require the department to consult with other agencies as it determines to be necessary, and, on or before April 1, 2013, prepare and submit to the Legislature a report with recommendations on statutory changes or authorizations necessary to develop the required suction dredge regulations, including, but not limited to, recommendations relating to the mitigation of all identified significant environmental impacts and a fee structure that will fully cover all program costs.~~

~~(4) Existing law establishes the Salton Sea Restoration Council as a state agency in the Natural Resources Agency to oversee the restoration of the Salton Sea.~~

~~This bill would, on January 1, 2013, eliminate the council.~~

~~(5) Existing law, the Milk and Milk Products Act of 1947, regulates the production of milk and milk products in this state and requires a permit from the Secretary of Food and Agriculture or from the approved milk inspection service maintained by the county designated by the secretary for each dairy farm in order to engage in the business of producing market milk, as defined. Existing law authorizes inspection fees to be levied by the county or, where there is no approved milk inspection service for the county, the secretary. A violation of any provision regulating the production of milk or milk products is a crime.~~

~~This bill would expand the permitting and inspection fee requirements to persons engaged in the business of producing manufacturing milk, as provided. The bill would revise the method under which the secretary assesses inspection fees, require the money collected to be placed into the Department of Food and Agriculture Fund, which may be expended upon appropriation by the Legislature, and require the secretary to establish plan review fees for sanitary design and construction review activities relating to dairy farms. Because this bill would expand the scope of a crime, it would create a state-mandated local program.~~

~~(6) Existing law requires a license from the secretary for each separate milk products plant or place of business dealing in, receiving, manufacturing, freezing, or processing milk, or any milk product, or manufacturing, freezing, or processing imitation ice cream or imitation ice milk.~~

~~This bill would raise the license fees for semifrozen milk product plants, limited manufacturing permits issued to hotels, restaurants, or boardinghouses, and butter testers, samplers and weighers, technicians, pasteurizers, and graders. The bill would also include related legislative findings.~~

~~(7) Existing law authorizes the Director of General Services to enter into an agreement to lease-purchase finance or lease with an option to purchase, with an initial option purchase price that exceeds \$2,000,000, for the purpose of providing a specified amount of square footage of office, warehouse, parking, and related facilities to consolidate the operations of state agencies in Long Beach. Existing law authorizes the State Public Works Board to issue revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the acquisition of these facilities.~~

~~This bill would delete this provision.~~

~~(8) Existing law authorizes the State Public Works Board to issue revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance specified facilities pursuant to a Riverside/San Bernardino Regional Facilities Study.~~

~~This bill would delete this provision.~~

~~(9) Existing law establishes until July 1, 2014, the School District Account in the Underground Storage Tank Cleanup Fund and transfers in the 2009–10, 2010–11, and 2011–12 fiscal years \$10,000,000 per year from the fund to the account for payment of claims filed by a school district that takes corrective actions to clean up an unauthorized release from a petroleum underground storage tank.~~

This bill would extend the provisions establishing the School District Account from July 1, 2014, until January 1, 2016. The bill would require that funds in the School District Account not expended in a fiscal year remain in the School District Account, and that any funds remaining in the account on January 1, 2016, revert to the Underground Tank Cleanup Fund. The bill would repeal provisions specific to encumbered funds that are in the School District Account on July 1, 2012.

(10) Existing law provides for the establishment of the Underground Storage Tank Cleanup Fund and associated authority, until January 1, 2016, to pay for various costs of corrective action in regard to unauthorized releases of petroleum from underground storage tanks. Existing law provides that the repeal of the fund and associated authority does not terminate the filing and payment of claims against that fund until the moneys are exhausted.

This bill would add specified claims for corrective action filed by a school district to those claims that can be filed and paid until the Underground Storage Tank Cleanup Fund moneys are exhausted.

(11) Existing law requires an owner, lessor, or lessee who knows of or has probable cause to believe that a significant disposal of hazardous waste has occurred on, under, or into land or that the land is within 2,000 feet of a significant disposal of hazardous waste and who intends to construct or allow to be constructed on the land a building or structure for specified uses to apply with DTSC to determine whether the land is to be designated as a hazardous waste property or a border zone property. Existing law authorizes a person to enter into an agreement with DTSC providing for the imposition of land use restrictions on the land. Existing law restricts the use of land if the land has been designated as a hazardous waste property or a border zone property. Existing law authorizes DTSC to grant a variance from the land use restrictions.

This bill would repeal the above provisions, but DTSC would retain the authority to grant a variance from the land use restrictions imposed pursuant to the repealed provisions. DTSC would also retain the authority to enter into an agreement with a property owner providing for restricting specific uses of the property.

(12) The California Expedited Remedial Action Reform Act of 1994 requires DTSC, upon the request of a responsible party, to have a site remediated pursuant to that act. That act authorizes the use of land use control as a part of the remedial plan for the site. That act authorizes DTSC to modify the land use control under specified conditions.

~~This bill would repeal that act. The bill would provide that the requirements of the act continue to apply to sites selected for remediation pursuant to the act before the effective date of this measure.~~

~~(13) Existing law establishes the Hazardous Substance Cleanup Arbitration Panel in the Office of Environmental Health Hazard Assessment and authorizes a responsible party to request arbitration before the panel, in lieu of a judicial process, for the purposes of apportioning liability for the costs of removal and remedial actions incurred in response to a release or threatened release of a hazardous substance into the environment.~~

~~This bill would repeal the panel and the arbitration process.~~

~~(14) Existing law authorizes a private site management team, upon the approval of DTSC, to conduct an investigation of potential hazardous substances release sites and to prepare a remedial design for the implementation of a response plan for a release site.~~

~~This bill would repeal these provisions.~~

~~(15) Existing law establishes the abandoned site program and requires DTSC to develop protocols and procedures for conducting an abandoned site survey of rural unsurveyed counties.~~

~~This bill would repeal that program.~~

~~(16) The California Land Environmental Restoration and Reuse Act authorizes a local government to implement a program to require the owner of property that may be affected by a hazardous material release, or threat of a release, to undertake remedial action on the property.~~

~~This bill would repeal the act.~~

~~(17) Existing law, the Hazardous Waste Reduction, Recycling, and Treatment Research and Demonstration Act of 1985, requires DTSC to establish a Hazardous Waste Technology, Research, Development, and Demonstration Program, consisting of specified elements.~~

~~This bill would provide that DTSC's duty to implement that act is contingent upon, and limited to, the availability of funding, except as specified.~~

~~(18) The existing Hazardous Waste Source Reduction and Management Review Act of 1989 requires DTSC to establish a program for hazardous waste source reduction and provides for the creation and nonoperation of the California Source Reduction Advisory Committee. The act requires DTSC to establish, with regard to source reduction, various programs, including a technical and research assistance program, a technical assistance and outreach program, and a California Green Business Program.~~

~~This bill would rename the act the Pollution Prevention and Hazardous Waste Source Reduction and Management Review Act (act) and would instead provide for the creation of the California Pollution Prevention Advisory Committee, with specified membership and duties. The bill would delete the requirement that DTSC establish those source reduction technical assistance, research, and outreach programs and would instead authorize DTSC to establish a technical and research program to assist businesses in identifying and applying pollution prevention methods; to establish a technical assistance and outreach program to promote implementation of model pollution prevention measures for priority business categories, and to provide pollution prevention and training resources. The bill would also make discretionary the development of the California Green Business Program.~~

~~This bill would provide that DTSC's duty to implement the act is contingent upon, and is limited to, the availability of funding, except as provided with regard to the requirements imposed upon generators.~~

~~(19) DTSC is required, under the act, to select at least 2 categories of generators every 2 years, for specified enforcement activities, and is authorized to request, from any generator subject to the act, a copy of the generator's source reduction evaluation review and plan. A generator is required to provide the review and plan to DTSC or unified program agency, upon request.~~

~~The bill would delete the requirements that DTSC select at least 2 categories of generators every 2 years for those specified enforcement activities.~~

~~(20) The act requires DTSC to prepare a draft work plan once every 2 years, with specified information.~~

~~This bill would instead authorize DTSC to prepare a work plan on a periodic basis, and would revise the information included in the work plan.~~

~~(21) Existing law requires DTSC to develop a low-cost voluntary program to reduce the generation of hazardous waste by large businesses.~~

~~This bill would repeal that requirement. The bill would also make conforming and technical changes.~~

~~(22) The Environmental Quality Assessment Act of 1986 requires the Director of Toxic Substances Control to develop and adopt by regulation criteria for a voluntary registration of environmental assessors.~~

~~This bill would repeal the act and make conforming changes.~~

~~(23) Existing law defines the term “phase I environmental assessment” for purposes of the provisions requiring the preparation of a phase I environmental assessment before the acquisition of a school site and specifies the information that a phase I environmental assessment may include.~~

~~This bill would revise the definition of a phase I environmental assessment to require the assessment to meet the current requirements adopted by the American Society for Testing and Materials (ASTM) for Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process or certain federal regulations. The bill would impose a state-mandated local program by imposing new duties upon local agencies.~~

~~(24) Existing law, the California Global Warming Solutions Act of 2006, designates the State Air Resources Board (state board) as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective greenhouse gas emissions reductions. The act authorizes the state board to include use of market-based compliance mechanisms. The act authorizes the state board to adopt a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to the act, and requires the revenues collected pursuant to that fee schedule be deposited into the Air Pollution Control Fund and be available, upon appropriation by the Legislature, for the purposes of carrying out the act.~~

~~This bill would create the Greenhouse Gas Reduction Fund as a special fund in the State Treasury and would require any money collected by the state board from the auction or sale of allowances pursuant to a market-based compliance mechanism to be deposited into the fund and available for appropriation by the Legislature. The bill would require a state agency, prior to expending any money appropriated to it by the Legislature from the fund, to prepare a record consisting of a description of proposed expenditures and of how they will further the regulatory purposes of the Global Warming Solutions Act of 2006, of how they will achieve specified greenhouse gas emission reductions, how the agency considered other objectives of that act, and how the agency will document expenditure results. The bill would declare that these provisions do not amend the act or the authority of the state board to~~

~~adopt and implement a fee pursuant to the act, and would declare expenditures of moneys from the fund severable, as specified.~~

~~This bill would require the Department of Finance, on or before January 10, 2013, to submit a proposed bill to the Legislature that provides a detailed spending plan for the expenditure of moneys from the Greenhouse Gas Reduction Fund, as specified, if the Legislature does not pass a bill, on or before August 31, 2012, that, among other things, specifies a process for the establishment of a long-term spending strategy for these funds. The bill would establish a Cost of Implementation Account in the Air Pollution Control Fund and require fees collected from sources of greenhouse gas emissions to be deposited into this account and available upon appropriation by the Legislature for purposes of carrying out the California Global Warming Solutions Act of 2006.~~

~~(25) Under existing law, the state board is required to consult with other states, and the federal government, and other nations to identify the most effective strategies and methods to, among other things, reduce greenhouse gases.~~

~~This bill would impose conditions on nongovernmental entities created to assist the state board in the implementation of the Global Warming Solutions Act of 2006. It would also impose limitations on any link, as defined, between the state and another state, province, or country for purposes of a market-based compliance mechanism, by, among other things, prohibiting any state agency, including the state board, from taking any action to create such a link unless the state agency notifies the Governor, and the Governor issues specified written findings on the proposed link, that consider the advice of the Attorney General. The bill would require the state board to give notice to the Joint Legislative Budget Committee before undertaking expenditures over \$150,000 connected with a specified nonprofit corporation involved in administering the extraterritorial aspects of the state's greenhouse gas reduction program. It would also require the California officers on the board of that nonprofit corporation to report every 6 months to the Joint Legislative Budget Committee on certain actions of the corporation.~~

~~(26) Under the Public Utilities Act, the Public Utilities Commission (PUC) has regulatory jurisdiction over public utilities, including electrical corporations. A violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the PUC is a crime. The California Global Warming Solutions Act of 2006 and its~~

implementing regulations provide for the direct allocation of greenhouse gas allowances to electrical corporations.

~~This bill would authorize the PUC to allocate, for specified clean energy programs, up to 15% of the revenues received by electrical corporations as a result of that allocation of allowances and would require the PUC to direct the balance of those revenues to be credited directly to the residential, small business, and emissions-intensive trade-exposed retail customers of the electrical corporations, as specified. The bill would also require the PUC to require each electrical corporation to adopt a customer outreach plan in regard to the crediting of those allowance revenues, as specified. Because a violation of this requirement is a crime, this bill would impose a state-mandated local program.~~

~~(27) Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B at the November 7, 2006, general election, authorizes the issuance of \$19.925 billion of general obligation bonds for specified purposes, including schoolbus retrofit and replacement purposes. Existing law specifies the responsibilities of various agencies with regard to implementing the bond act. Existing law also establishes various programs for the reduction of vehicular air pollution, including the Lower-Emission School Bus Program adopted by the State Air Resources Board. Existing law appropriates funds to the board and requires the board to allocate these bond funds in specified ways, including funding local air quality management districts.~~

~~This bill would require the bond funds to be transferred by January 1, 2013, if a local air district's funds, including accrued interest, are not committed by an executed contract, as reported to the board, by June 30, 2012, as provided. The bill would require the local air district and the board to, by September 30, 2012, establish a list of potential local air districts that can be the recipient of the transferred funds, with priority given to districts with the most polluting school buses and with the greatest need for school bus funding.~~

~~The bill would require each allocation of funding made by the board to a local air district to include enough funding for at least one project to be implemented pursuant to the Lower-Emission School Bus Program.~~

~~The bill would require all funds allocated by the board to a local air district to be expended by June 30, 2014, and would require all funds not expended by that date to be returned to the board.~~

~~(28) Existing law prohibits the Division of Oil, Gas, and Geothermal Resources (DOGGR) from expending, through the 2011–12 fiscal year, more than \$2,000,000 in any one fiscal year for the purpose of hazardous or idle-deserted wells. The division is prohibited from expending, commencing with the 2012–13 fiscal year, more than \$1,000,000 in any one fiscal year for the purpose of hazardous or idle-deserted wells.~~

~~This bill, instead, would authorize DOGGR to expend, commencing on July 1, 2008, up to \$2,000,000 in any one fiscal year through the 2014–15 fiscal year, and up to \$1,000,000 commencing with the 2015–16 fiscal year.~~

~~(29) Existing law establishes the State Parks and Recreation Fund into which are deposited fees, rents, and other returns for use of the state parks, and moneys in the fund are available for expenditure for state park planning, acquisition, and development projects, operation of the state park system, and resource and property management and protection, when appropriated by the Legislature.~~

~~This bill would require the Department of Parks and Recreation (DPR) to develop a revenue generation program as an essential component of a long-term sustainable park funding strategy, in accordance with prescribed requirements. The bill would require that all revenues generated by the revenue program developed pursuant to the bill be deposited into the California State Park Enterprise Fund, which the bill would create. The bill would make moneys in the fund available to the department for expenditure, upon appropriation by the Legislature, to be used for specified purposes relating to revenue generating activities by specified park districts and DPR. The bill would require DPR to establish a revolving loan program and prepare guidelines for park districts to apply for funds available under the program, as prescribed.~~

~~The bill would require that the sum of \$3,000,000, unexpended and available to DPR from the California Clean Water, Clean Air Safe Neighborhood Parks, and Coastal Protection Fund, and the sum of \$10,000,000 from the unexpended balance of specified bond funds made available to DPR under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, be transferred and deposited into the California State Park Enterprise Fund, and would authorize the expenditure of those funds, upon appropriation by the Legislature, for the purposes of the revenue generation program.~~

~~(30) Existing law authorizes DPR to collect fees, rents, and other returns for the use of any state park system area, in amounts determined~~

by DPR. Existing law requires that all revenues received by DPR during each fiscal year be paid into the State Treasury to the credit of the State Parks and Recreation Fund, and requires that those funds be available, with specified exceptions, for state park planning, acquisition, and development projects, operation of the state park system, and resource and property management and protection, when appropriated by the Legislature.

~~This bill would create the State Parks Revenue Incentive Subaccount within the State Parks and Recreation Fund and would require the Controller to annually transfer \$15,340,000 from the State Parks and Recreation Fund into the subaccount. The bill would continuously appropriate the money in the subaccount to DPR to create incentives for projects that are consistent with the mission of DPR and that generate revenue and would prohibit DPR from expending more than \$11,000,000 annually from the subaccount to administer, protect, develop, and interpret the property under its jurisdiction. The bill would require the Office of State Audits and Evaluations to review the activities funded from the subaccount.~~

~~The bill would require the revenue generated from projects funded by the subaccount to be deposited in the subaccount and would continuously appropriate that revenue for expenditure by DPR, of which at least 50% of the revenue would be required to be expended in the district of DPR that earned the revenue.~~

~~The bill would provide that the funds in the subaccount are available for encumbrance and expenditure until June 30, 2014, and for liquidation until June 30, 2016. The bill would make the provision establishing the subaccount inoperative on June 30, 2016, and would repeal the provision on January 1, 2017. The bill would require the Controller, on July 1, 2016, to transfer any unexpended funds remaining in the subaccount to the State Parks and Recreation Fund.~~

~~(31) Existing law authorizes the Department of Motor Vehicles (DMV) to issue specialty license plates, including environmental license plates and specified special environmental design license plates. The department is required to charge specified fees for certain services related to the issuance of those plates.~~

~~This bill would additionally authorize DMV, in consultation with DPR, to design and make available for issuance special state parks environmental license plates bearing a full-plate graphic design depicting a California redwood tree, as specified, upon payment of an additional fee by a person applying for the special plate.~~

~~(32) Existing law continuously appropriates state and federal funds in the State Water Pollution Control Revolving Fund to the State Water Resources Control Board for loans and other financial assistance for the construction of publicly owned treatment works by a municipality, the implementation of a management program, the development and implementation of a conservation and management plan, and other related purposes in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act.~~

~~This bill would state the intent of the Legislature that the State Water Resources Control Board make loans to DPR of up to \$10,000,000 each fiscal year until June 30, 2016, from the State Water Pollution Control Revolving Fund for eligible projects associated with water, wastewater, and septic systems, and other water-related projects.~~

~~(33) Existing law requires moneys deposited to the credit of the Motor Vehicle Fuel Account in the Transportation Tax Fund to be transferred monthly to the Off-Highway Vehicle Trust Fund in an amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway. The Off-Highway Vehicle Trust Fund is administered by DPR, and moneys in the fund are available, upon appropriation, to the department.~~

~~This bill would require the Controller to transfer the sum of \$21,000,000 on July 1, 2012, to the Department of Parks and Recreation Fund from moneys in the Motor Vehicle Fuel Account that would otherwise be deposited into the Off-Highway Motor Vehicle Fund.~~

~~(34) The Reliable Electric Service Investments Act required the PUC to require the state's 3 largest electrical corporations, until January 1, 2012, to identify a separate electrical rate component, commonly referred to as the "public goods charge," to collect specified amounts to fund energy efficiency, renewable energy, and research, development, and demonstration programs that enhance system reliability and provide in-state benefits, including the California Solar Initiative. An existing decision of the PUC institutes an Electric Program Investment Charge (EPIC), subject to refund, to fund renewable energy and research, development, and demonstration programs.~~

~~This bill would create in the State Treasury the Electric Program Investment Charge Fund to be administered by the State Energy Resources Conservation and Development Commission (Energy Commission). The bill would require moneys received by the PUC for those EPIC programs the PUC has determined should be administered by the Energy Commission to be forwarded by the PUC to the Energy~~

Commission at least quarterly for deposit in the fund, as specified. This bill would revise language regarding funding for the California Solar Initiative to conform with the termination of the “public goods charge.”

~~(35) Existing law establishes the Renewable Energy Resources Program for the purposes of optimizing public investment and ensuring the most cost-effective and efficient investment in renewable energy resources. Existing law establishes the Renewable Resource Trust Fund, and upon appropriation by the Legislature in the annual Budget Act, moneys in the fund may be expended for the administration of the program and state expenditures associated with an accounting system. The remaining moneys in the fund are deposited in various accounts within the fund, and those moneys and accounts are continuously appropriated to the commission to implement the program. Existing law requires the Energy Commission to administer the program.~~

~~This bill would revise and recast the program to conform these provisions with the termination of the public goods charge and, except for the Emerging Renewable Resources Account, would eliminate the accounts within the fund. The bill would continuously appropriate the money in the Emerging Renewable Resources Account to the Energy Commission to close out the award of incentives for emerging technologies and consumer education activities, as specified.~~

~~(36) Existing law establishes the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, and prescribes the functions, duties, and membership of the conservancy. Existing law requires that the governing board of the conservancy consist of 13 voting members and 7 nonvoting members, and requires that the voting members include 2 members of the board of directors of the San Gabriel Valley Council of Governments, one of whom shall be a mayor or city council member of a city bordering along the San Gabriel River, and one of whom shall be a mayor or a city council member of a city bordering the San Gabriel Mountains area. Existing law further requires that one member be appointed by a majority of the membership of that board of directors, and one member be appointed by the Senate Committee on Rules from a list of 2 or more potential members submitted by the board of directors.~~

~~This bill would authorize the Senate Committee on Rules, if the San Gabriel Valley Council of Governments fails to provide to the Senate Committee on Rules a list of 2 or more potential members at least 30 days prior to the date a current appointee’s term of office ends, to appoint a mayor or city council member of a city bordering along the~~

San Gabriel River or the San Gabriel Mountains, or a member of the public who resides within the territory of the conservancy.

(37) Existing law, the California Beverage Container Recycling and Litter Reduction Act (act), requires a distributor to pay a redemption payment no later than the 2nd month following the sale of a beverage container, between February 1, 2010, and June 30, 2012, and, after that date, to make that payment no later than the 3rd month following the sale. Existing law requires the payments to be made to the Department of Resources Recycling and Recovery (CalRecycle), which is required to deposit those amounts in the California Beverage Container Recycling Fund. Under existing law, the money in the fund is continuously appropriated to CalRecycle. A violation of the act is a crime.

This bill would instead require, as of July 1, 2012, that the payment be made no later than the last day of the month following the sale, thereby imposing a state-mandated local program by changing the definition of a crime.

(38) The Electronic Waste Recycling Act of 2003 requires a retailer selling a covered electronic device in this state to collect an electronic waste recycling fee and to transmit the fee to CalRecycle. Existing law provides for the administration of the act by both CalRecycle and DTSC and authorizes CalRecycle to administratively impose civil liability for each sale of a covered electronic device for which a covered electronic waste recycling fee has not been paid and against manufacturers for failure to comply with the act. The fines and penalties collected under the act are required to be deposited in the Electronic Waste Penalty Subaccount, and CalRecycle and the DTSC are authorized to expend the fines and penalties deposited in the subaccount, upon appropriation by the Legislature. CalRecycle is required to make electronic waste recovery payments directly to an authorized collector or to a covered electronic waste recycler that meets specified eligibility requirements for payment to an authorized collector and to make electronic waste recycling payments to a covered electronic waste recycler.

This bill would authorize CalRecycle to administratively impose civil liability against a person who makes a false statement or representation in a document filed, submitted, maintained, or used for purposes of compliance with the act. The bill would authorize CalRecycle to revoke the approval or deny the renewal application of an authorized collector or covered electronic waste recycler that makes a false statement or representation, and to deny an application for approval or renewal from an authorized collector or covered electronic waste recycler that, or an

individual identified in the application who, has a history demonstrating a pattern of operation in conflict with the act. The bill would require a person challenging certain regulatory actions under the act, or an approved covered electronic waste recycler challenging the denial or adjustment of an electronic waste recovery payment or electronic waste recycling payment, to first exhaust all administrative remedies by filing with CalRecycle a timely administrative appeal, in accordance with the regulations adopted to implement the act.

(39) Existing law requires a business that generates more than 4 cubic yards of commercial solid waste per week to arrange for recycling services, as prescribed.

This bill would instead require a business that generates 4 cubic yards or more of commercial solid waste per week to arrange for the recycling services:

(40) Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act and the Porter-Cologne Water Quality Control Act (state act). The state act requires regional boards to consist of 9 members appointed by the Governor, one for each of 6 descriptions of qualifications enumerated in the state act and 3 not specifically associated with any of those enumerated qualifications. The state act disqualifies a person from being a member of the state board or a regional board if that person receives or has received during the previous 2 years a significant portion of his or her income directly or indirectly from a person subject to, or applicants for discharge permits pursuant to, the NPDES requirements.

This bill would revise the state act to establish regional boards of 7 members each, as specified, to be appointed by the Governor. This bill would also require the terms of office for members of each regional board to be staggered and expire in accordance with a prescribed schedule. This bill would, under specified conditions, provide that a person is not disqualified from being a member of a regional board if that person receives or has received during the previous 2 years income directly or indirectly from a person who has been issued a discharge permit by the state board or a regional board other than the one of which he or she is a member.

(41) The state act prohibits a member of the state board or a regional board from participating in specified board actions that involve the

~~board member or any waste discharger with which the board member is connected as a director, officer, or employee, or in which the board member has a financial interest within the meaning of the Political Reform Act of 1974.~~

~~This bill would delete the provision prohibiting a board member from participating in actions that involve the member or a waste discharger with which the member is connected. The bill would specify that the limitation on a board member's financial interest applies only to a disqualifying financial interest within the meaning of the Political Reform Act of 1974.~~

~~(42) Under existing law, costs of the state water project incurred for the enhancement of fish and wildlife or for the development of public recreation are nonreimbursable from prices, rates, or charges for water or power. Existing law states the intent of the Legislature to appropriate money from the General Fund to reimburse those costs in connection with the state water project, as prescribed.~~

~~Existing law establishes the Harbors and Watercraft Revolving Fund and requires all money received by the Department of Boating and Waterways to be credited to this fund. Under existing law, fees for the issuance and renewal of a certification of numbering of a vessel by DMV are also deposited into the Harbors and Watercraft Revolving Fund and the moneys from these fees are continuously appropriated to the Department of Motor Vehicles to administer the registration program and to the Department of Boating and Waterways, as prescribed. Existing law also transfers money deposited to the credit of the Motor Vehicle Fuel Account to the Harbors and Watercraft Revolving Fund, for expenditure, as prescribed. Under existing law, all money in the fund is also available, upon appropriation, to the Department of Boating and Waterways, DPR, the Department of Fish and Game, the Department of Food and Agriculture, and the State Water Resources Control Board for, among other things, boating-related facility development, addressing boating safety programs, boating-related spread of invasive species, and regulatory activities.~~

~~This bill would, on July 1, 2012, and each July 1 thereafter, transfer \$7,500,000 from the General Fund portion of the Harbors and Watercraft Revolving Fund to the Davis-Dolwig Account (account), which this bill would establish in the California Water Resources Development Bond Fund. This bill would, for the purposes of reimbursing costs of the State Water Resources Development System incurred for recreation and the enhancement of fish and wildlife, continuously appropriate~~

~~\$7,500,000 from the account to the Department of Water Resources (DWR) and require any amount in the account in excess of \$20,000,000 on June 30 of each year to be transferred back to the Harbors and Watercraft Revolving Fund. This bill would also transfer \$2,500,000 from the General Fund portion of the Harbors and Watercraft Revolving Fund to the account and continuously appropriate \$2,500,000 from the account to DWR for the payment of state recreation and fish and wildlife enhancement costs incurred on or before December 31, 2011, and would make this transfer and appropriation inoperative upon certification of full payment of these costs by the Director of Finance. This bill would require the DWR to provide, as part of the annual Governor's budget process, details of the account balance and expenditures from the account. This bill would provide that funds made available to the DWR in the account fulfill the legislative intent to provide funds for fish and wildlife enhancements and recreation.~~

~~(43) Existing law authorizes the Governor, in certain circumstances, to direct the Controller to make transfers of money from any special funds and other accounts to the General Cash Revolving Fund.~~

~~This bill would authorize the Controller to use the Davis-Dolwig Account for cash flow loans to the General Fund in accordance with specified provisions.~~

~~(44) Existing law requires the department to prepare and submit annually, as prescribed, to the chairpersons of the fiscal committees of the Legislature a report with regard to the budget for the State Water Resources Development System.~~

~~This bill would require the department, at least 60 days prior to the final approval of the renewal or extension of a long-term water supply contract, to present, at an informational hearing before specified committees of the Legislature, the details of the terms and conditions of the contract and how they serve as a template for the remaining long-term water supply contracts.~~

~~(45) Existing law establishes the Public Utilities Reimbursement Account into which is deposited registration fees collected from electric service providers and annual fees paid by every electrical, gas, telephone, telegraph, water, sewer system, and heat corporation and every other public utility providing service directly to customers or subscribers and subject to the jurisdiction of the commission other than a railroad.~~

~~The bill would appropriate \$139,000 from the Public Utilities Reimbursement Account to the Office of Environmental Health Hazard~~

Assessment for staffing to perform activities related to identifying and determining inhalation standards for certain constituents of biomethane injected into a common carrier pipeline.

~~(46) The bill would appropriate \$1,000 from the State Parks and Recreation Fund to DPR for administrative costs.~~

~~(47) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~(48) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares the following:*
- 2 (a) *The failure of the Department of Parks and Recreation to*
- 3 *accurately account for its revenues and its failure to disclose*
- 4 *balances in special funds has had numerous negative*
- 5 *consequences. It has undermined public confidence in the*
- 6 *department, it has threatened relationships with donors, local*
- 7 *governments, and nonprofits that entered or are considering*
- 8 *entering into agreements with the department to help keep parks*
- 9 *open during this time of decreased General Fund support for the*
- 10 *department, and it could make it more difficult to enter into revenue*
- 11 *generation activities that depend on increased public support and*
- 12 *visitation at California's state parks.*
- 13 (b) *It is the intent of the Legislature to ensure that the*
- 14 *appropriate recommendations from all internal and independent*
- 15 *audits and investigations are implemented in order to help restore*
- 16 *public confidence in the department.*
- 17 (c) *It is further the intent of the Legislature to acknowledge that,*
- 18 *despite the failure to disclose balances in special funds, the*
- 19 *department is embarking on a new revenue generation program*

1 to help alleviate its decreased General Fund support. To that end,
2 the revenues that were collected by the department but which were
3 not disclosed should be used exclusively to help keep parks open
4 and, where appropriate and necessary, to match moneys from
5 third-party donors and partners that entered into agreements with
6 the department to help keep one or more state parks open. These
7 funds should be used to help establish a sustainable, long-term
8 funding strategy. A preference for such funds should be established
9 at parks where donors have contributed nonstate financial
10 resources.

11 (d) The department has demonstrated that greater public and
12 legislative oversight is necessary. Adjusting the membership of
13 the State Park and Recreation Commission to provide opportunities
14 for experienced and professional experts from qualified
15 organizations with expertise and interest in improving the
16 management and programming within the department is essential.
17 It is equally important to add ex officio legislative members to the
18 commission.

19 (e) It is further the intent of the Legislature to encourage
20 formation of a multidisciplinary advisory council, including, but
21 not limited to, members of the public, persons with park
22 management expertise, representatives of nonprofit park
23 organizations, and representatives of the private philanthropic
24 community, to conduct an independent assessment and make
25 recommendations to the Legislature and the Governor on future
26 management, planning, and funding proposals that will ensure
27 the long-term sustainability of the state park system.

28 (f) It is further the intent of the Legislature that any funding in
29 excess of current fund balances reported in the Governor's Budget
30 within the Off-Highway Vehicle Trust Fund shall be spent
31 according to current law.

32 SEC. 2. Section 530 of the Public Resources Code is amended
33 to read:

34 530. (a) There is in the department the State Park and
35 Recreation Commission ~~consisting of nine members~~. The members
36 shall be selected as follows:

37 (1) Nine members, as follows, shall be appointed by the
38 Governor, subject to confirmation by the Senate. ~~Whenever~~

39 (A) Three members shall represent the public.

1 (B) *One member shall have demonstrated expertise in cultural*
2 *or historic resources management.*

3 (C) *One member shall have background as a parks professional*
4 *with experience in local, regional, or national parks or may be a*
5 *retired state parks employee from the department.*

6 (D) *One member shall represent nonprofit or other*
7 *organizations with statewide policy expertise with the state park*
8 *system or in operating one or more state parks through operating*
9 *agreements or other arrangements.*

10 (E) *One member shall represent a statewide conservation*
11 *organization with expertise in the administration or programs of*
12 *the department.*

13 (F) *One member shall have a background in the recreational*
14 *industry.*

15 (G) *One member shall represent a local business community*
16 *that has significant and beneficial relationships with one or more*
17 *state parks.*

18 (2) *The Speaker of the Assembly and the Senate Committee on*
19 *Rules shall each appoint one ex officio legislative member.*

20 (b) *As appointments are made to the commission after the*
21 *effective date of the act that amended this section during the*
22 *2011–12 Regular Session, the Governor shall ensure that*
23 *appointments are made in conformance with this section.*

24 (c) *If a reference is made to the State Park Commission or*
25 *Recreation Commission pertaining to a duty, power, purpose,*
26 *responsibility, or jurisdiction of the State Park Commission or the*
27 *Recreation Commission, it shall be deemed to be a reference to*
28 *and to mean the State Park and Recreation Commission.*

29 ~~The~~

30 (d) *The commission chair may appoint committees composed*
31 *of commission members and the duties of the committees shall*
32 *include, but not be limited to, those duties set forth in Sections*
33 *539 and 540. Findings and recommendations of the committees*
34 *shall be presented to the commission for consideration and action.*

35 SEC. 3. *Section 535.5 is added to the Public Resources Code,*
36 *to read:*

37 535.5. (a) *The commission shall evaluate and assess the*
38 *department's deferred maintenance obligations. After public notice*
39 *and at a public hearing, following a presentation by the relevant*
40 *district superintendent, it may consider the nature and extent, and*

1 *establish the relative priority, of prospective deferred maintenance*
2 *projects of the department.*

3 *(b) The commission may provide advice to the Governor, the*
4 *Legislature, and the department on policies, projects, and other*
5 *matters pertaining to parks, recreation, and public access affecting*
6 *the state park system.*

7 *(c) The commission may conduct an annual workshop or series*
8 *of workshops to review the department's annual operating budget*
9 *and proposed capital improvement projects.*

10 *(d) The commission may make recommendations to improve*
11 *visitor services and visitor satisfaction in parks, assess the progress*
12 *and challenges with regard to the protection of natural, cultural,*
13 *and historical resources within the state park system, and enhance*
14 *revenue opportunities across the state park system.*

15 *(e) The commission may assist in promoting the state park*
16 *system and parks and recreational facilities and programs.*

17 *SEC. 4. Section 541.5 is added to the Public Resources Code,*
18 *to read:*

19 *541.5. (a) The department shall not close, or propose to close,*
20 *a state park in the 2012–13 or 2013–14 fiscal year. The commission*
21 *and the department shall recommend all necessary steps to*
22 *establish a sustainable funding strategy for the department to the*
23 *Legislature on or before January 1, 2015.*

24 *(b) There is hereby appropriated twenty million five hundred*
25 *thousand dollars (\$20,500,000) to the department from the State*
26 *Parks and Recreation Fund, which shall be available for*
27 *encumbrance for the 2012–13 and 2013–14 fiscal years, to be*
28 *expended as follows:*

29 *(1) Ten million dollars (\$10,000,000) shall be available to*
30 *provide for matching funds pursuant to subdivision (c).*

31 *(2) Ten million dollars (\$10,000,000) shall be available for the*
32 *department to direct funds to parks that remain at risk of closure*
33 *or that will keep parks open during the 2012–13 and 2013–14*
34 *fiscal years. Priority may be given to parks subject to a donor or*
35 *operating agreement or other contractual arrangement with the*
36 *department.*

37 *(3) Up to five hundred thousand dollars (\$500,000) shall be*
38 *available for the department to pay for ongoing audits and*
39 *investigations as directed by the Joint Legislative Audit Committee,*

1 *the office of the Attorney General, the Department of Finance, or*
2 *other state agency.*

3 *(c) The department shall match on a dollar-for-dollar basis all*
4 *financial contributions contributed by a donor pursuant to an*
5 *agreement for the 2012–13 fiscal year for which the department*
6 *received funds as of July 31, 2013, and for agreements entered*
7 *into in the 2013–14 fiscal year. These matching funds shall be*
8 *used exclusively in the park unit subject to those agreements.*

9 *(d) The department shall notify the Joint Legislative Budget*
10 *Committee in writing not less than 30 days prior to the expenditure*
11 *of funds under this section of the funding that shall be expended,*
12 *the manner of the expenditure, and the recipient of the expenditure.*

13 *SEC. 5. Section 541.6 is added to the Public Resources Code,*
14 *to read:*

15 *541.6. (a) There is hereby appropriated ten million dollars*
16 *(\$10,000,000) from the Safe Drinking Water, Water Quality and*
17 *Water Supply, Flood Control, River and Coastal Protection Bond*
18 *Act of 2006 (Division 43 (commencing with Section 75001)) to be*
19 *expended as follows:*

20 *(1) The amount appropriated in this item is available for*
21 *expenditures for capital outlay and support for capital outlay*
22 *projects of a state park.*

23 *(2) No commitment of funds from this item shall be authorized*
24 *prior to 30 days after the Department of Parks and Recreation*
25 *notifies the Joint Legislative Budget Committee and the Department*
26 *of Finance of the projects to be funded from this section. No funds*
27 *shall be expended for capital outlay projects without prior approval*
28 *of the State Public Works Board.*

29 *(3) The amount appropriated in this section shall be available*
30 *for expenditure until June 30, 2015.*

31 *SEC. 6. Section 5010.7 of the Public Resources Code is*
32 *amended to read:*

33 *5010.7. (a) The department shall develop a revenue generation*
34 *program as an essential component of a long-term sustainable park*
35 *funding strategy. On or before October 1, 2012, the department*
36 *shall assign a two-year revenue generation target to each district*
37 *under the control of the department. The revenue target may be*
38 *amended annually for subsequent years, beginning in the 2015–16*
39 *fiscal year. The department shall develop guidelines for districts*
40 *to report the use of funds generated by the revenue generation*

1 program, and shall post information and copies of the reports on
2 its Internet Web site.

3 ~~(b) All revenues generated by the revenue generation program~~
4 ~~developed pursuant to subdivision (a) shall be deposited into the~~
5 ~~California State Park Enterprise Fund, which is hereby created in~~
6 ~~the State Treasury as a working capital fund, and the revenues~~
7 ~~shall be available to the department upon appropriation by the~~
8 ~~Legislature, for expenditure for those purposes specified in this~~
9 ~~section.~~

10 *(b) The California State Park Enterprise Fund is hereby created*
11 *in the State Treasury as a working capital fund, and the revenue*
12 *shall be available to the department upon appropriation by the*
13 *Legislature, for the expenditures for the purposes specified in this*
14 *section and shall be available for encumbrance and expenditure*
15 *until June 30, 2014, and for liquidation until June 30, 2016.*

16 *(c) The incremental revenue generated by the revenue*
17 *generation program developed pursuant to subdivision (a) shall*
18 *be deposited into the State Parks and Recreation Fund. Revenue*
19 *identified as being in excess of the revenue targets shall be*
20 *transferred to the California State Park Enterprise Fund on or*
21 *before June 1, annually.*

22 ~~(e)~~

23 *(d) Moneys appropriated to the department pursuant to*
24 *subdivision (b) and Section 5010.6 shall be expended as follows:*

25 *(1) (A) The department shall allocate 40 50 percent of the total*
26 *amount of revenues deposited into the California State Park*
27 *Enterprise Fund pursuant to subdivision (c), generated by a park*
28 *district to that district if the amount of revenues generated exceeds*
29 *the targeted revenue amount prescribed in the revenue generation*
30 *program. The revenues to be allocated to a park district that fails*
31 *to achieve the revenue target shall remain in the fund.*

32 *(B) With the approval of the director, each district shall use the*
33 *funds it receives from the department from the revenue generation*
34 *program to improve the parks in that district through revenue*
35 *generation programs and projects and other activities that will*
36 *assist in the district's revenue generation activities, and the*
37 *programs, projects, and other activities shall be consistent with*
38 *the mission and purpose of each unit and with the plan developed*
39 *for the unit pursuant to subdivision (a) of Section 5002.2.*

(2) The department shall use ~~40~~ 50 percent of the funds generated from the revenue generation activities of the department deposited into the California State Park Enterprise Fund pursuant to subdivision (c) for the following purposes:

(A) To fund the capital costs of construction and installation of new revenue and fee collection equipment and technologies and other physical upgrades to existing state park system lands and facilities.

(B) For costs of restoration ~~and~~, rehabilitation, and improvement of the state park system and its natural, historical, and visitor-serving resources that enhance visitation and are designed to create opportunities to increase revenues.

(C) For costs to the department to implement the action plan required to be developed by the department pursuant to Section 5019.92 of the Public Resources Code.

(D) To establish a revolving loan program pursuant to subdivision (e).

~~(d)~~

(e) (1) The department shall establish a revolving loan program and prepare guidelines establishing a process for those districts that receive moneys under paragraph (1) of subdivision (d) to apply for funds that exceed the amount of funds provided to the districts pursuant to paragraph (1) of subdivision ~~(e)~~ (d). It is the intent of the Legislature that the revolving loan program fund only those projects that will contribute to the success of the department's revenue generation program and the continual growth of the fund over time. Districts may apply for funds for capital projects, personnel, and operations that are consistent with this subdivision, including the costs of preparing an application. The department shall provide an annual accounting to the Department of Finance and the relevant legislative committees of the use of those funds in accordance with the purposes outlined in Proposition 40 (the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Bond Act of 2002 (Chapter 1.696 (commencing with Section 5096.600) of Division 5) and Proposition 84 (the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001))), voter-approved bond acts.

(2) The guidelines prepared pursuant to paragraph (1) shall require that applications for funding include all of the following:

(A) A clear description of the proposed use of funds, including maps and other drawings, as applicable.

(B) A market analysis demonstrating demand for the project or service.

(C) The projected life-span of the project, which must be at least 20 years for a proposed capital project.

(D) A projection of revenues, including the specific assumptions for annual income, fees, occupancy rates, pricing, and other relevant criteria upon which the projection is based.

(E) A projection of costs, including, but not limited to, design, planning, construction, operation, staff, maintenance, marketing, and information technology.

(F) The timeframe for implementation, including all necessary reviews and permitting.

(G) The projected net return on investment of the life of the project.

(H) Provisions providing for mandatory reporting on the project by districts to the department.

~~(e)~~

(f) The department shall rank all of the proposals and award loans for projects or other activities to districts based on the following criteria, as well as other considerations that the department considers relevant:

(1) Return on investment.

(2) Length of time for implementation.

(3) Length of time for the project debt to be retired.

(4) Percentage of total project costs paid by the district or by a source of matching funds.

(5) Annual operating costs.

(6) *Capacity of project to improve services or park experiences, or both, for park visitors.*

~~(f)~~

(g) The funds generated by the revenue generation program shall not be used by the department to expand the park system, unless there is significant revenue generation potential from such an expansion.

~~(g)~~

1 ~~(h) Moneys~~ *Notwithstanding Section 5009, moneys* received by
2 the department from private contributions and other public funding
3 sources may also be deposited into the California State Park
4 Enterprise Fund for use for the purposes of ~~paragraph (3)~~ of
5 subdivision (c) and subdivision (d).

6 ~~(h)~~

7 (i) The department shall provide all relevant information on its
8 Internet Web site concerning how the working capital funds are
9 spent, including the guidelines and the department's ranking criteria
10 for each funded loan agreement.

11 ~~(i)~~

12 (j) A project agreement shall be negotiated between the
13 department and a park unit and the total amount of requested
14 project costs shall be allocated to the district as soon as is feasible
15 when the agreement is finalized.

16 ~~(j)~~

17 (k) The department may recoup its costs for implementing and
18 administering the working capital from the fund.

19 *SEC. 7. This act is a bill providing for appropriations related*
20 *to the Budget Bill within the meaning of subdivision (e) of Section*
21 *12 of Article IV of the California Constitution, has been identified*
22 *as related to the budget in the Budget Bill, and shall take effect*
23 *immediately.*

24
25
26 **All matter omitted in this version of the bill**
27 **appears in the bill as amended in the**
28 **Senate, June 26, 2012. (JR11)**
29